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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,227	11/12/2003	Shuming Wu	4386 P 007	6307

7590 12/14/2005

Jeffrey R. Gargano
Wallenstein Wagner & Rockey, Ltd.
53rd Floor
311 South Wacker Drive
Chicago, IL 60606-6630

EXAMINER

FULTON, CHRISTOPHER W

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/706,227	Applicant(s) WU, SHUMING	
	Examiner Christopher W. Fulton	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-18, 20-29 and 31-58 is/are rejected.
- 7) ☒ Claim(s) 19 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948). | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/26/04 & 8/16/04</u> 8/16/04 <i>2 IDS'S FILED 8-16-04</i> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25-29, 31-33, 46, 48, and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Green.

The device as claimed is disclosed by Green with a housing having a base 16 with magnets 18, a laser generator 38 disposed within the housing for projecting a laser beam through an opening with the laser generator being rotatably coupled in the housing for rotating the laser beam from 0 degrees to 90 degrees with respect to the bottom of the housing by a rotating knob 50, a bubble level 30,26 on the housing, and a switch 66 to turn the laser generator on and off.

3. Claims 35, 46, 47, 49, 50, 54-56, and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee.

The device as claimed is disclosed by Lee with a housing 2,3, a laser generator 61 disposed within the housing for projecting a laser beam through an opening with the laser generator being rotatably coupled to a baseplate 8 which is removably attached to the housing, the laser beam being rotatable from 0 degrees to 90 degrees with respect to the bottom of the baseplate, the laser beaming being fan shaped, and a switch to turn the laser generator on and off.

Claim Rejections - 35 USC § 103

Art Unit: 2859

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green in view of Malard et al ('879).

The device as claimed is substantially disclosed by Green as stated in the rejection recited above for claims 25-29, 31-33, 46, 48, and 55, but lacks a retractable door over the opening which also acts as the switch for the laser. Malard et al teaches using a retractable door 20 to protect the laser and lens and to act as the switch to power the laser when open and to turn off the laser when the door is shut. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a retractable door to Green as taught by Malard et al ('879) to protect the lens and laser while also working a the switch to control the laser.

6. Claims 35, 46, 47, 49, 50, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Malard et al ('879).

The device as claimed is substantially disclosed by Lee as stated in the rejection recited above for claims 35, 46, 47, 49, 50, 54-56, and 58, but lacks a retractable door over the opening which also acts as the switch for the laser. Malard et al teaches using a retractable door 20 to protect the laser and lens and to act as the switch to power the laser when open and to turn off the laser when the door is shut. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a retractable door to Lee as taught by Malard et al ('879) to protect the lens and laser while also working a the switch to control the laser.

Art Unit: 2859

7. Claims 15-18, 20-24, and 38-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Malard et al ('879) as applied to claims 36, 37, 51-53, and 57 above, and further in view of Green.

The device as claimed is disclosed by the combination of Lee and Malard et al together as stated in the rejection recited above for claims 36, 37, 51-53, and 57, but lack the laser module being rotatable relative to the housing. Green teaches rotating the laser module relative to the housing to direct the laser at any desired direction. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the laser module of the combination of Lee and Malard et al ('879) rotate relative to the housing as taught by Green to direct the laser at any desired direction.

Allowable Subject Matter

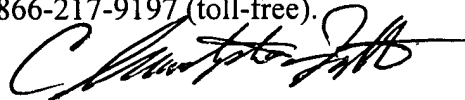
8. Claims 19 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher W. Fulton whose telephone number is (571) 272-2242. The examiner can normally be reached on M-Th 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2859

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher W. Fulton
Primary Examiner
Art Unit 2859

CWF